

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CHARLES KENZELL CARTER,)	
Plaintiff,)	Case No. 7:21-cv-00484
)	
v.)	
)	By: Michael F. Urbanski
WARDEN RICK WHITE, <u>et al.</u>,)	Chief United States District Judge
Defendants.)	

ORDER

For the reasons set forth in the accompanying memorandum opinion, it is hereby

ORDERED as follows:

1. The motion to dismiss filed by the VDOC defendants, ECF No. 48, is **GRANTED IN PART AND DENIED IN PART**;
2. The claims against Correctional Officer Maggard are **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B) and 42 U.S.C. § 1997e(c) for failure to state a claim;
3. Any claim for breach of contract is **DISMISSED** without prejudice as barred by the Eleventh Amendment;
4. The case will proceed solely on the claims asserted against Sgt. Bentley in Claims 1, 2, and 7, and Bentley shall file an answer to those claims within fourteen (14) days;
5. Defendants White, Manis, Ramey, Adams, Williams, Clarke, Rosch, Maggard, and the VDOC shall be **TERMINATED** as parties to this action; and
6. Carter's motion to serve Maggard, ECF No. 47, is **DENIED** as moot.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the parties.

It is so **ORDERED**.

Entered: June 6, 2023

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a stylized flourish at the end.

Digitally signed by Michael F.
Urbanski Chief U.S. District
Judge
Date: 2023.06.06 18:18:57
-04'00'

Michael F. Urbanski
Chief United States District Judge